IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 606/2006
(Shyokaran Vs. Firm Prahlad Chand Manohar Lal)

Date of Order : 19/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Trilok Joshi, for the petitioner.

BY THE COURT:-

Heard learned counsel for the petitioner and perused the order impugned.

The petitioner was convicted by judgment and order dated 14.12.2005 passed by Additional Chief Judicial Magistrate, Raisinghnagar (for short 'the trial court' hereinafter) in Criminal Case No.381/2000, whereby the trial court convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act' hereinafter) and sentenced him to undergo one year simple imprisonment and a fine of Rs. 1,95,000/- and further directed that on deposit of fine amount, it will be paid to the complainant as compensation.

That order came to be challenged by the petitioner before the appellate court. The appeal is still pending. During pendency of the appeal, while suspending the sentence, the appellate court directed the petitioner apart from filing personal bail bonds as well as surety bond as directed, to deposit Rs. 60,000/- as part payment of the amount of fine imposed and sought to be paid to the complainant. That order has been challenged by way of the instant petition.

The order impugned dated 10.1.2006 cannot be said to have resulted in serious miscarriage of justice. On the contrary, directing the petitioner to deposit a sum of Rs. 60,000/- out of Rs. 1,95,000/- fine imposed by the trial court, cannot be said to be contrary to law and the same is in conformity with the decision of Hon'ble Supreme Court.

In this view of the matter, the petition has no merit and accordingly it is dismissed. The appellate court is directed to decide the appeal filed by the petitioner utmost expeditiously.

(H.R.PANWAR),J.

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